



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of : Heckel, A. et al. ) Art Unit: To be assigned  
Serial-No. : 10/624,983 ) Examiner: To be assigned  
Confirmation No. : 4832  
Filed : July 22, 2003  
Docket No. : 1/1373  
For : INDOLINONE DERIVATIVES SUBSTITUTED IN THE 6 POSITION,  
THE PREPARATION THEREOF AND THEIR USE AS  
PHARMACEUTICAL COMPOSITIONS

Mail Stop Petitions  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**SECOND PETITION REQUESTING WITHDRAWAL OF NOTICE OF  
INCOMPLETE NONPROVISIONAL APPLICATION UNDER 37 CFR §1.181**

Sir:

Attorney for Applicants respectfully petitions under 37 CFR §1.181 that the Notice of Incomplete Nonprovisional Application dated February 8, 2005 be withdrawn and that a filing date of July 22, 2003 be granted for the above-identified application.

**Statement of Facts**

On July 22, 2003, Attorney for Applicants filed, *inter alia*, the following documents: (1) the above-identified nonprovisional application; (2) a Certified Copy of Priority Document DE 102 33 366.1; and (3) a Verified English Translation of U.S. Provisional Application No. 60/403,106 to which the above-identified application also claims priority. Included herewith is a copy of the Return Postcard which is date stamped by the USPTO listing the above items. Item 1, the above-identified nonprovisional application, was filed in the German language. The above-identified nonprovisional application, as originally filed with the USPTO, comprised a specification as prescribed by 35 U.S.C. §112 containing a description pursuant to §1.71 and nineteen (19) claims contained on pages 286-344 of the specification under the section entitled "Patentansprüche", i.e., "Patent claims". In the Notice of Incomplete Nonprovisional Application, the OIPE stated that the specification of the above-identified

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application did not include at least one claim. Included herewith is a copy of the Notice of Incomplete Nonprovisional Application.

#### Discussion

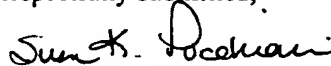
Attorney for Applicants respectfully submits that the above-identified application, as originally filed in German, comprised a specification as prescribed by 35 U.S.C. §112 containing a description pursuant to §1.71 and at least one claim pursuant to §1.75. No drawings were required by §1.81(a). Submitted herewith is a copy of the English translation of the above-identified application with a Declaration by the translator, Jane Roberta Mann, stating that the document is a true and accurate translation of the German text corresponding to U.S. Application Serial No. 10/624,983. The translated text contains nineteen (19) claims, as did the German text. Thus, this application met all filing requirements as of July 22, 2003.

#### Action Requested

Withdrawal of the Notice of Incomplete Nonprovisional Application and grant of a filing date of July 22, 2003 for the above-identified application is respectfully requested.

The surcharge set forth in 37 CFR 1.17(f) for Petitions to the Commissioner is \$400.00. The Commissioner is hereby authorized to charge any fee which may be required, and to credit any overpayment, to Deposit Account No. 02-2955. A duplicate of this paper is enclosed.

Respectfully submitted,



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I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail in an envelope addressed to:

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on April 8, 2005



By: Susan K. Pocchiari  
Reg. No. 45,016